
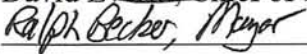


SALT LAKE CITY CORPORATION
DEPARTMENT OF PUBLIC SERVICES
ENGINEERING DIVISION


CITY COUNCIL TRANSMITTAL


~~David Everitt, Chief of Staff~~

Ralph Becker, Mayor

Date Received: 01/26/2010
Date sent to Council: 01/26/2010

TO: Salt Lake City Council
JT Martin, Chair

DATE: January 22, 2010

FROM: Rich Graham, Director
Public Services Department 

SUBJECT: Designation of the North Temple Viaduct
Special Assessment Area No. 109014

STAFF CONTACT: John Naser, P.E., Deputy City Engineer – 801-535-6240
(john.naser@slcgov.com) 

DOCUMENT TYPE: Resolution

RECOMMENDATION:

It is recommended the City Council adopt a resolution to designate the North Temple Viaduct Assessment Area No. 109014 (SAA)

BUDGET IMPACT:

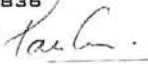
Viaduct funding is from Salt Lake City capital improvement budget, Public Utilities' storm water enterprise funds, UTA Airport light rail funding, an allocation from the Utah State Legislature, WFRC Federal funding, and property owner assessments through the SAA. Future potential impacts to the City general fund could occur depending on the success of the Community Development Area.

BACKGROUND/DISCUSSION:

On December 1, 2009 the City Council adopted Resolution 68 of 2009, which approved funding for the design and engineering of a single North Temple Viaduct and the reconstruction of the City Creek culvert based on a preliminary estimated construction cost of not more than \$71 million. \$67 million is the estimate cost of the viaduct replacement and \$4 million for the culvert reconstruction.

SCANNED TO: 
SCANNED BY: 
DATE: 1-26-10

LOCATION: 349 SOUTH 200 EAST, SUITE 100, SALT LAKE CITY, UTAH 84111-2836
MAILING ADDRESS: P.O. BOX 145506, SALT LAKE CITY, UTAH 84114-5506
TELEPHONE: 801-535-7961 FAX: 801-535-6093

RECEIVED
JAN 26 2010
By: 

The funding plan, outlined in the transmittal from November 17, 2009 titled "Funding for the North Temple Boulevard and Single Viaduct," has not changed. Creation of the SAA provides the funding for the property owner's portion of the project. In summary, it proposes the following:

- \$25 million from UTA
- \$20 million from the State of Utah
- \$5.73 million from Wasatch Front Regional Council
- \$4 million from Public Utilities (for the City Creek Culvert only)
- \$4.3 million from adjacent property owners through the North Temple Viaduct SAA
- \$13 million (approximately) from the proximate Community Development Area

PUBLIC PROCESS:

Information concerning the assessment area was presented to abutting property owners in an informal meeting held on December 2, 2010 in the City Engineer's office. Public hearings were held before the City Council on December 8, 2009 and January 19, 2010.

Salt Lake City, Utah

February 16, 2010

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, February 16, 2010, at the hour of 7:00 p.m., at the offices of the City Council at 451 South State Street, Salt Lake City, Utah, at which meeting there were present and answering roll call the following members who constituted a quorum:

JT Martin	Chair
Jill Remington-Love	Vice Chair
Søren Dahl Simonsen	Councilmember
Stan Penfold	Councilmember
Van Blair Turner	Councilmember
Luke Garrott	Councilmember
Carlton Christensen	Councilmember

Also present:

Ralph Becker	Mayor
Edwin P. Rutan, II	City Attorney
	City Recorder

Thereupon the following proceedings, among others, were duly had and taken:

Pursuant to published notice concerning the intent of the City to designate the "Salt Lake City, Utah Special Assessment Area (North Temple Viaduct) No. 109014 (the "Assessment Area"), a public hearing was held on January 5, 2010, at which interested persons were heard concerning comments or protests relating to the Assessment Area.

The City Council then determined that since the total protests received by the City constitute less than one-half of the total aggregate taxable and final value (as applicable) of all properties proposed to be assessed, based upon current taxable and final values as of the date hereof, the City Council may designate the Assessment Area as described in Resolution 61 of 2009 adopted by the City Council on November 5, 2009. The City Council then concluded that the public interest will best be served by designating the Assessment Area.

Councilmember _____ then moved and Councilmember _____ seconded the adoption of the following resolution. The resolution was adopted by the following vote:

AYE:

NAY:

RESOLUTION NO. ____ OF 2010

A RESOLUTION DESIGNATING AN ASSESSMENT AREA TO BE KNOWN AS THE "SALT LAKE CITY, UTAH SPECIAL ASSESSMENT AREA (NORTH TEMPLE VIADUCT) NO. 109014 AS DESCRIBED IN THE NOTICE OF INTENTION TO DESIGNATE ASSESSMENT AREA; AUTHORIZING THE CITY OFFICIALS TO PROCEED WITH THE ACQUISITION AND CONSTRUCTION OF THE IMPROVEMENTS AS DESCRIBED IN THE NOTICE OF INTENTION; AND RELATED MATTERS.

BE IT RESOLVED BY THE City Council (the "Council") of Salt Lake City, Utah, as follows:

WHEREAS, pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), on November 5, 2009, the Council adopted a Notice of Intention to Designate Assessment Area (the "Notice of Intention") to be known as the "Salt Lake City, Utah Special Assessment Area (North Temple Viaduct) No. 109014" (the "Assessment Area"), and after giving notice as required by the Act, held a public hearing on January 5, 2010, at which interested persons were given an opportunity to provide comments or protests relating to said Assessment Area; and

WHEREAS, pursuant to Section 11-42-206 of the Act, and consistent with the Notice of Intention, the Council now desires to designate the Assessment Area.

BE IT RESOLVED by the City Council of Salt Lake City, Utah, as follows:

Section 1. The Council has determined that it will be in the best interest of Salt Lake City (the "City") to finance the costs of certain improvements consisting of the replacement of the existing North Temple Viaduct with an auto/light rail viaduct and related improvements, together with all other miscellaneous work necessary to complete said improvements in a proper and workmanlike manner (collectively, the "Improvements") and to complete the whole in a proper and workmanlike manner according to plans on file in the Office of the City Engineer in Salt Lake City, Utah.

Section 2. The Improvements are hereby authorized and the Assessment Area is hereby designated to acquire and construct the Improvements and to levy assessments to finance the costs of the Improvements.

Section 3. The legal description and tax identification numbers of the properties to be assessed within the Assessment Area are more fully set forth in Exhibit A attached hereto. Assessments to finance the costs of the Improvements will be levied based upon the taxable value (as it appears on the most recent tax records of Salt Lake County at the time the assessment ordinance levying the assessments is adopted) of the properties to be assessed within the Assessment Area. For those properties which are exempt from the levy of a property tax, the levy will be based on the final value of said

properties as it appears on the most recent records of Salt Lake County at the time the assessment ordinance levying the assessments is adopted.

Section 4. As required by law, the City Recorder is hereby authorized and directed to file in the Salt Lake County Recorder's office within fifteen (15) days from the date hereof (a) a copy of the Notice of Intention and an original or certified copy of this Resolution designating the Assessment Area, and (b) a Notice of Encumbrance and Assessment Area Designation in substantially the form of Exhibit B hereof which states that the Council has designated the Assessment Area and which lists the properties proposed to be assessed, described by tax identification number and legal description.

ADOPTED AND APPROVED this February 16, 2010.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval this February ____, 2010.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this February ____, 2010.

By: _____
Mayor

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

I, _____, the duly appointed, qualified, and acting City Recorder of Salt Lake City, Utah, do hereby certify that the foregoing is a full, true and correct copy of the minutes of a regular meeting of the City Council of Salt Lake City held in the City Council Chambers in Salt Lake City on Tuesday, February 16, 2010, at the hour of 7:00 p.m., as recorded in the regular official book of minutes as kept in my official office, that said proceedings were duly had and taken as therein shown, and that all the members were given due, legal, and timely notice of said meeting as therein shown.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City this February 16, 2010.

(SEAL)

By: _____
 City Recorder

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned City Recorder of Salt Lake City, Utah (the "Issuer"), do hereby certify, according to the records of the City Council of Salt Lake City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the February 16, 2010, public meeting held by the City Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices at the City and County Building, Salt Lake City, Utah, on February 12, 2010, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Deseret News on February 12, 2010, at least twenty-four (24) hours prior to the convening of the meeting.

(c) By causing a copy of such Notice, to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2010 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (a) posted on _____, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the Issuer on _____, and (c) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this February 16, 2010.

(SEAL)

By: _____
City Recorder

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

2010 ANNUAL MEETING SCHEDULE

EXHIBIT A

TAX IDENTIFICATION NUMBERS AND LEGAL
DESCRIPTIONS OF PROPERTIES TO BE ASSESSED

(A complete list of Tax I.D. numbers and property descriptions is available for inspection
at the Salt Lake City Recorder's Office and the City Engineer's Office.)

EXHIBIT B

NOTICE OF ENCUMBRANCE AND ASSESSMENT AREA DESIGNATION

EXHIBIT C

PUBLIC HEARING MINUTES